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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

ABBOTT DIABETES CARE INC. and  
ABBOTT LABORATORIES,

Plaintiffs,

vs.

AGAMATRIX, INC.,

Defendant.

CASE NO. C 06 07268-JF

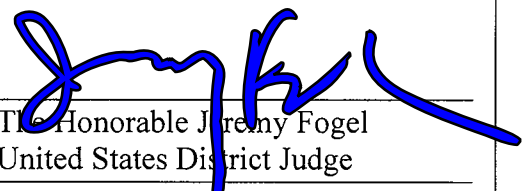
**JOINT STIPULATION AND ORDER  
STAYING CASE MANAGEMENT  
SCHEDULE DEADLINES PENDING  
ENTRY OF REVISED SCHEDULE**

On October 9, 2007, the Court adopted a revised case management schedule, which set, 2008 among other things, a *Markman* hearing date of March 4, 2007. Since that time, the parties have been working to resolve issues concerning the document production that may be required in advance of the *Markman* hearing. Although the parties have been working diligently, the parties require additional time to resolve certain issues relating to third party confidentiality concerns in connection with documents subject to discovery in this case. Once the parties have reached resolution and finalized a document production schedule, the parties expect to be in a position to present an agreed revised case management schedule to the Court, which the parties intend to submit by January 15, 2008. If the parties have been unable to agree to a revised case management schedule by January 15, the parties will, in any event, advise the Court of their respective positions regarding the schedule by January 15, 2008.

Because the Parties have agreed that the deadlines in the current case management schedule should be postponed, Abbott and AgaMatrix, Inc. hereby stipulate and agree that the deadline for the parties to exchange preliminary claim constructions and extrinsic evidence for newly asserted patents and all remaining deadlines on the current case management schedule shall be postponed indefinitely pending the parties' submission of a revised case management schedule to the Court. The deadlines postponed pursuant to this stipulation and order include, but are not limited to, the deadline for the parties to submit a joint claim construction and pre-hearing statement on December 14, 2007, the January 14, 2007 deadline for claim construction discovery, the parties' *Markman* briefing deadlines, and the *Markman* hearing, scheduled for March 4, 2008.

IT IS SO ORDERED.

Dated: 12/12/07

  
The Honorable Jeremy Fogel  
United States District Judge

JOINT STIPULATION AND ORDER STAYING CASE  
MANAGEMENT SCHEDULE DEADLINES PENDING  
ENTRY OF REVISED SCHEDULE  
CASE NO. C 06 07268-JF

1  
2 DATED: December 5, 2007

Respectfully submitted,

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7 By: Shirley S. Paley / with  
8 Attorneys for Defendant permission  
9 AGAMATRIX, INC. Scott D. Powers

10  
11 DATED: December 5, 2007

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